

A bill (S. 1751) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants and for other purposes.

Mr. FRIST. I object to further proceedings.

#### CLASS ACTION FAIRNESS ACT OF 2003—MOTION TO PROCEED

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 117, S. 274, the class action fairness legislation. I further ask unanimous consent that all after the enacting clause be stricken, and the text of S. 1751 be inserted in lieu thereof; further, that the language be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DAYTON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to S. 1751, Senator GRASSLEY's class action bill, which is now on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. DAYTON. Mr. President, I object.

Mr. FRIST. I ask unanimous consent that it now be in order to make a motion to proceed to S. 1751.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I now move to proceed to S. 1751, and I further ask unanimous consent that the motion be temporarily set aside and that the Senate resume consideration of the motion on Monday, October 20, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL CEMETERY EXPANSION ACT OF 2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 307, H.R. 1516.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1516) to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery System.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Veterans' Affairs, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

H.R. 1516

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Cemetery Expansion Act of 2003".

#### SEC. 2. ESTABLISHMENT OF NEW NATIONAL CEMETERIES.

(a) ESTABLISHMENT.—Not later than four years after the date of the enactment of this Act, the Secretary of Veterans Affairs, in accordance with chapter 24 of title 38, United States Code, shall establish ~~[five]~~ *six* new national cemeteries. The new cemeteries shall be located in the following locations (those locations having been determined by the Secretary of Veterans Affairs to be the most appropriate locations for new national cemeteries):

- (1) Southeastern Pennsylvania.
- (2) The Birmingham, Alabama, area.
- (3) The Jacksonville, Florida, area.
- (4) The Bakersfield, California, area.
- (5) The Greenville/Columbia, South Carolina, area.

(6) *The Sarasota County, Florida, area.*

(b) FUNDS.—Amounts appropriated for the Department of Veterans Affairs for any fiscal year after fiscal year 2003 for Advance Planning shall be available for the purposes of subsection (a).

(c) SITE SELECTION PROCESS.—In determining the specific sites for the new cemeteries required by subsection (a) within the locations specified in that subsection, the Secretary shall solicit the advice and views of representatives of State and local veterans organizations and other individuals as the Secretary considers appropriate.

(d) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemeteries required by subsection (a). The report shall—

(1) set forth a schedule for the establishment of each such cemetery and an estimate of the costs associated with the establishment of each such cemetery; and

(2) identify the amount of Advance Planning Funds obligated for purposes of this section as of the submission of the report.

(e) ANNUAL REPORTS.—The Secretary shall submit to Congress an annual report on the implementation of this section until the establishment of all ~~[five]~~ *six* cemeteries is completed and each such cemetery has opened. The Secretary shall include in each such annual report an update of the information provided under paragraphs (1) and (2) of subsection (d).

(f) DEFINITION OF SOUTHEASTERN PENNSYLVANIA.—In this section, the term "southeastern Pennsylvania" means the city of Philadelphia and Berks County, Bucks County, Chester County, Delaware County, Philadelphia County, and Montgomery County in the State of Pennsylvania.

Amend the title to read: "An Act to provide for the establishment by the Secretary of Veterans Affairs of additional cemeteries in the National Cemetery Administration."

Mr. FRIST. I ask unanimous consent that the committee amendments be agreed to, that the bill, as amended, be read a third time and passed, the amendment to the title be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The title amendment was agreed to.

The bill (H.R. 1516), as amended, was read the third time and passed, as follows:

*Resolved*, That the bill from the House of Representatives (H.R. 1516) entitled "An Act

to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery System.", do pass with the following amendments:

(1) Page 2, line 8, strike out ~~[five]~~ and insert: *six*

(2) Page 2, after line 18, insert:

(6) *The Sarasota County, Florida, area.*

(3) Page 3, line 17, strike out ~~[five]~~ and insert: *six*

Amend the title so as to read: "An Act to provide for the establishment by the Secretary of Veterans Affairs of additional cemeteries in the National Cemetery Administration."

#### CONGRESSIONAL GOLD MEDAL TO JACKIE ROBINSON

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1900.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1900) to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of the Congress that there should be a national day in recognition of Jackie Robinson.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1900) was read the third time and passed.

#### CONGRESSIONAL GOLD MEDAL TO JACKIE ROBINSON

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 311, S. 300.

The PRESIDING OFFICER. The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (S. 300) to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of the Congress that there should be a national day in recognition of Jackie Robinson.

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, I come to the floor today to pay tribute to Jackie Robinson—a great ballplayer, great leader and a great American.

Most Americans know of Jackie Robinson's baseball greatness. He was the 1947 Rookie of the Year; the National League Most Valuable Player in 1949; he lead the Dodgers to six pennants and one World Series; he batted over 300 for his career; and he was elected to the Hall of Fame in 1962.

But there is, of course, far more to the story of Jackie Robinson than talent and success on the baseball diamond.

Jackie Robinson was born in 1919 in Cairo, GA. He was the grandson of a slave and son of a sharecropper. As a boy, he moved with his family to Pasadena, CA. Jackie was born a competitor and excelled at sports from a young age. His talents earned him a scholarship to UCLA, where he lettered in football, basketball, baseball, and track—and he was heralded as one of the best-all-around athletes in the country.

After college, Robinson was drafted into the Army. He rose to the rank of second lieutenant, and along the way he fought for equality and against injustice. Robinson and his good friend, the boxer Joe Louis, opened an Officer Candidate School to black soldiers. When Robinson was ordered to sit in the back of a bus at Fort Hood, TX, he refused and was court-martialed. Robinson stood his ground at the court martial, and for his bravery he was exonerated when the order was ruled a violation of Army regulations.

After the Army, Robinson signed to play for 2 years in the Negro Baseball League for the Kansas City Monarchs. Then in 1947, Robinson signed with the Brooklyn Dodgers to become the first African-American to play in the major leagues. It's hard to imagine the personal courage this demanded of Robinson. Branch Rickey, the president of the Dodgers, said that, "Robinson was the target of racial epithets and flying cleats, of hate letters and death threats, of pitchers throwing at his head and legs, and catchers spitting on his shoes."

But for all the hatred and ignorance Robinson faced, he responded with strength. Roger Kahn captured that strength in *Boys of Summer* when he wrote that Robinson "bore the burden of a pioneer and the weight made him stronger. If one can be certain of anything in baseball, it is that we shall not look upon his like again."

Today, it is hard to understand the significance of Robinson signing in the majors. It happened before our military was desegregated, before the civil rights marches in the South, and before the historic ruling in *Brown v. the Board of Education*. Robinson engaged America in a constructive conversation about race even before other great leaders like Martin Luther King. Indeed, King once said that his great crusade for racial justice would not have been possible if not for Jackie Robinson.

Robinson's skill, demeanor and fortitude made him one of the most popular people in America, and he used his fame to encourage the fair treatment of all people. His ideas and principles influenced John F. Kennedy and Dwight Eisenhower. After retiring from professional baseball in 1957, he dedicated himself to fighting for equality and justice. He was a leader with the NAACP, chairing its Freedom Fund Drive in 1957, and was awarded its highest achievement award. Jackie and his wife, Rachel, began annual concerts to

benefit civil rights and voter registration drives in the South. In 1964, Jackie helped create a minority-owned commercial bank based in Harlem, New York, called the Freedom National Bank. He also started the Jackie Robinson Construction Company to build low-income housing.

On October 15, 1972, Jackie Robinson attended a World Series Game that commemorated the 25th anniversary of the breaking of the color line in baseball. At the game, as he had done in the past, Jackie called for more opportunities for black Americans. Unfortunately, Jackie passed away only 9 days—later and today—56 years after Jackie signed with the Brooklyn Dodgers—we have yet to achieve the opportunity for all he so desired.

Jackie Robinson once said that, "a life is not important, except in the impact it has on other lives." Jackie Robinson not only impacted lives, he impacted the very spirit of our country. He was more than a sports hero—he was an American hero.

And it is time for Congress to recognize his heroic contributions to the Nation by awarding him the Congressional Gold Medal. The Congressional Gold Medal is the highest expression of congressional appreciation and has been bestowed on great leaders like George Washington, Winston Churchill and Rosa Parks. I cannot think of a more deserving person to join this distinguished group than Jackie Robinson.

As I close my remarks, I thank the Boston Red Sox and Larry Luchino and George Mitrovich for helping with this legislation. I also thank Senator MCCAIN for joining as our lead cosponsor and Representative RICHARD NEAL for passing this legislation through the House of Representatives.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 300) was read the third time and passed, as follows:

S. 300

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Jackie Roosevelt Robinson was born on January 31, 1919, in Cairo, Georgia, and was the youngest of 5 children.

(2) Jackie Robinson attended the University of California Los Angeles where he starred in football, basketball, baseball, and track. His remarkable skills earned him a reputation as the best athlete in America.

(3) In 1947, Jackie Robinson was signed by the Brooklyn Dodgers and became the first black player to play in Major League Baseball. His signing is considered one of the most significant moments in the history of professional sports in America. For his remarkable performance on the field in his first season, he won the National League's Rookie of the Year Award.

(4) In 1949, Jackie Robinson was voted the National League's Most Valuable Player by the Baseball Writers Association of America.

(5) In 1962, Jackie Robinson was elected to the Baseball Hall of Fame.

(6) Although the achievements of Jackie Robinson began with athletics, they widened to have a profound influence on civil and human rights in America.

(7) The signing of Jackie Robinson as the first black player in Major League Baseball occurred before the United States military was desegregated by President Harry Truman, before the civil rights marches took place in the South, and before the Supreme Court issued its historic ruling in *Brown v. Board of Education*, 347 U.S. 483 (1954).

(8) The American public came to regard Jackie Robinson as a person of exceptional fortitude, integrity, and athletic ability so rapidly that, by the end of 1947, he finished ahead of President Harry Truman, General Dwight Eisenhower, General Douglas MacArthur, and Bob Hope in a national poll for the most popular person in America, finishing only behind Bing Crosby.

(9) Jackie Robinson was named vice president of Chock Full O' Nuts in 1957 and later co-founded the Freedom National Bank of Harlem.

(10) Leading by example, Jackie Robinson influenced many of the greatest political leaders in America.

(11) Jackie Robinson worked tirelessly with a number of religious and civic organizations to better the lives of all Americans.

(12) The life and principles of Jackie Robinson are the basis of the Jackie Robinson Foundation, which keeps his memory alive by providing children of low-income families with leadership and educational opportunities.

(13) The legacy and personal achievements of Jackie Robinson, as an athlete, a business leader, and a citizen, have had a lasting and positive influence on the advancement of civil rights in the United States.

#### SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of Congress, to the family of Jackie Robinson, a gold medal of appropriate design in recognition of the many contributions of Jackie Robinson to the Nation.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

#### SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2 at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

#### SEC. 4. STATUS AS NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed \$30,000 to pay for the cost of the medal authorized under section 2.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

#### SEC. 6. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) there should be designated a national day for the purpose of recognizing the accomplishments of Jackie Robinson; and

(2) the President should issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. FRIST. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 406, 407, 408, and 409. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

#### DEPARTMENT OF COMMERCE

Peter Lichtenbaum, of Virginia, to be an Assistant Secretary of Commerce.

#### EXECUTIVE OFFICE OF THE PRESIDENT

Harvey S. Rosen, of New Jersey, to be a Member of the Council of Economic Advisers.

Kristin J. Forbes, of Massachusetts, to be a Member of the Council of Economic Advisers.

#### DEPARTMENT OF COMMERCE

Julie L. Myers, of Kansas, to be an Assistant Secretary of Commerce.

### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that at 5:15 p.m. on Monday, October 20, the Senate proceed to executive session to consider the following nomination on today's Executive Calendar: Calendar No. 401, the nomination of Margaret Catharine Rodgers to be U.S. District Judge for the Northern District of Florida. I further ask unanimous consent that the Senate then immediately proceed to a vote on the confirmation of the nomination; further, that following the vote, the President be immediately notified of the Senate's action and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

### ORDERS FOR MONDAY, OCTOBER 20, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1:30 p.m., Monday, October 20. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 2 p.m., with the time equally divided between the two leaders or their designees, provided that at 2 p.m. we resume the debate on the motion to proceed to the consideration of S. 1751.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I further ask unanimous consent that at 5:15 p.m., the Senate proceed to executive session as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. FRIST. For the information of all Senators, as I mentioned earlier today, it had been my hope that we could work out an agreement to consider the healthy forest issue during Monday's session. Chairman COCHRAN has been working diligently toward an agreement to consider amendments on both sides of the aisle on that legislation. Unfortunately, there is an objection to proceeding to the measure from the other side. We will continue our discussions on that important legislation. I hope we may still reach a consent for its consideration as soon as possible.

On Monday, under the previous order, we will resume debate on the motion to proceed to the class action bill. Again, this is a critically important bill that we hope to consider and complete next week, but there is an objection from the Democratic side. We do have a number of Senators who are very interested in this bill and will be here on Monday prepared to speak on its behalf.

Under the earlier consent, we will proceed to a vote on a judicial nomination at 5:15 p.m. and that will be the first vote of Monday's session.

Again, I do want to thank all Members for their tremendous efforts over the course of this week. It took many busy days, and many long hours, well into the night, but we did accomplish what we set out to do, and that was to complete the Iraq supplemental.

Today, we had 11 rollcall votes culminating with a vote on passage, 87 to 12, a strong bipartisan vote. I, once again, thank Chairman STEVENS for his tireless efforts in helping shepherd this bill through the Senate.

### CONGRATULATING SENATOR SUNUNU

Mr. FRIST. Last, Mr. President, I congratulate the current occupant of the chair, the junior Senator from New Hampshire. Just a short time ago, about an hour and a half ago, at approximately 6 p.m., he reached his

100th hour of presiding time. That wasn't all just tonight, but I know he may feel like it at this time, 7:30 in the evening—100 hours during this first session of the 108th Congress. Everybody in this body owes him a debt of gratitude for his service to this institution as he presides over us just about every Friday, I believe, with a firm but a very fair gavel.

## ORDER FOR ADJOURNMENT

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks of Senator DAYTON.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

### SENATOR SUNUNU'S GOLDEN GAVEL

Mr. DAYTON. Mr. President, I join the distinguished majority leader in expressing my appreciation for your presence here this evening. I assure the Chair I will not take him too far down the path to his next 100 hours—not tonight, anyway.

I was in the dubious position of being 100th in seniority for the previous 2 years. I did not achieve my golden gavel status as swiftly as the Senator from New Hampshire, but I did. I suffered through many hours when I would rather have been elsewhere in order to achieve that. I again thank the distinguished Chair and also commend him for the dignity and the stature with which he presides over what are, as we both know, occasionally unruly adults.

## IRAQ

Mr. DAYTON. A year ago this month, Congress cast a fateful vote. The majority decided to give the President blanket authority to declare war against Iraq. On several occasions during our deliberations over that resolution, I had the good fortune to be on the Senate floor when the great Senator from West Virginia, the senior Senator, spoke. Both Senators from West Virginia are truly outstanding Senators and men. One is extraordinary in his seniority in this body and also the wisdom he has acquired through his experience and service and his search for the history of this country and the history of other countries throughout the world and across the spans of time.

It was my great opportunity, sitting in that chair where the Presiding Officer now sits, to be instructed about this country, especially the Constitution which all of us take our oath of office to uphold, that extraordinary document which has shown, over the span of more than two centuries, a foresight, a vision, an understanding of